

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

KRISTINA SPAULDING and,)
DAVID SPAULDING,)
)
Plaintiffs,)
)
v.)
)
DANIEL BARTH and DOLLAR THRIFTY)
AUTOMOTIVE GROUP, INC.,)
)
Defendants.)

NOTICE OF REMOVAL

Defendant Dollar Thrifty Automotive Group, Inc. (“Defendant Dollar Thrifty”) pursuant to 28 U.S.C. §§1441, 1446 and 1332, hereby gives notice of removal of the above-captioned action from the Cumberland County, Maine Superior Court, Civil Action Docket No. CV__-__, to the United States District Court for the District of Maine, sitting in Portland, Maine. The request for removal is based on the diversity of citizenship of the parties, as set forth below:

1. This action arises from Plaintiffs Kristina Spaulding and David Spaulding’s (“Plaintiffs”) allegation that Defendant Dollar Thrifty is liable for injuries that they allegedly sustained. Plaintiffs initiated this litigation by a Complaint filed with the Cumberland County, Maine Superior Court on or about December 29, 2010. Defendant Dollar Thrifty has not received notification of the docket number assigned to the matter and due to severe weather conditions the Cumberland County Maine Superior Court is closed and counsel is unable to obtain the docket number at the time of this filing. *See* Summons and Complaint attached hereto as Sub-Exhibits A & B to **Exhibit 1**.
2. Plaintiff served Defendant Dollar Thrifty’s statutory agent with the Complaint and Summons in this matter by regular mail on or about January 3, 2011 and Defendant

Dollar Thrifty's removal of this civil action is timely pursuant to 28 U.S.C. §1446(b) and Fed. R. Civ. P. 6(a)(1)(C).

3. The basis for removal is diversity jurisdiction pursuant to 28 U.S.C. §1332.
4. Plaintiffs allege that they are residents of the State of Maine.
5. Defendant Dollar Thrifty is a corporation formed pursuant to the laws of the State of Delaware having its principal place of business in Oklahoma.
6. Upon information and belief, the Plaintiffs' claims for damages are in excess of \$75,000, exclusive of interest and costs.
7. Pursuant to 28 U.S.C. §1446(a), Defendant Dollar Thrifty attaches hereto as **Exhibit 1**, the Affidavit of Karen Frink Wolf.¹ Appended thereto as exhibits are true and correct copies of: A. Plaintiffs' Summons; B. Plaintiffs' Complaint; C. Defendant Dollar Thrifty's Service of Transmittal cover from CT Corporation; D. Defendant Dollar Thrifty's Answer; and E. Defendant's Notice of Filing of Notice of Removal. These documents constitute the only process, pleadings and orders that have been filed in this action. To the best of Defendant's knowledge, this Court has received entire state court record in conjunction with the filing of the Notice of Removal.
8. Defendant Dollar Thrifty is serving a true and correct copy of this pleading upon Plaintiffs through his attorneys both electronically (using the CM/ECF system) and by first class U.S. mail, postage pre-paid.
9. Defendant is also serving a true and correct copy of this pleading upon the Clerk of the Cumberland County, Maine Superior Court by first class U.S. mail, postage pre-paid.

¹ Defendant incorporates this exhibit by reference herein as thought set forth at length.

Dated at Portland, Maine on February 2, 2011.

/s/ Karen Frink Wolf, Esq.
Karen Frink Wolf, Esq.
Jonathan M. Dunitz, Esq.
Attorneys for Defendant Dollar Thrifty
Automotive Group, Inc.
Friedman Gaythwaite Wolf & Leavitt
25 Pearl Street, P.O. Box 4726
Portland, ME 04112
(207) 761-0900
kwolf@fgwl-law.com

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2011, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to all registered counsel of record as follows:

R. Terrance Duddy, Esq,
Lauri Boxer-Macomber, Esq.
Kelly, Remmel & Zimmerman
53 Exchange Street
P.O. Box 597
Portland, ME 04112

I also hereby certify that on February 2, 2011, I served a copy of the foregoing pleading by first class U.S. mail, postage pre-paid to counsel of record as follows:

R. Terrance Duddy, Esq,
Lauri Boxer-Macomber, Esq.
Kelly, Remmel & Zimmerman
53 Exchange Street
P.O. Box 597
Portland, ME 04112

I also hereby certify that on February 2, 2011, I served a copy of the foregoing pleading by first class U.S. mail, postage pre-paid to:

Sally Bourget, Clerk
Cumberland County Superior Court
Civil Division – Ground Floor

P.O. Box 412
205 Newbury Street
Portland, ME 04112

/s/ Karen Frink Wolf, Esq.
Karen Frink Wolf, Esq.
Jonathan M. Dunitz, Esq.
Attorneys for Defendant Dollar Thrifty
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